

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE ANNEX
1100 EAST MAIN STREET, SUITE 501
RICHMOND, VIRGINIA 23219-3517
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PATRICIA S. CONNOR
CLERK

TELEPHONE
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October 3, 2023

Rory L. Perry, II, Clerk
United States District Court
Southern District of West Virginia
P. O. Box 2546
Charleston, WV 25329

Re: **Marilyn English v. Ellen Heine et al**
2:22-cv-00540

Dear Clerk:

Review of the district court docket discloses that the district court may be considering a motion under Fed. R. Civ. P. 50(b)(for judgment), 52(b)(to amend or make additional findings), 59 (to alter or amend judgment or for new trial), or 60 (to vacate) filed within 28 days of entry of judgment. Under Fed. R. App. P. 4(a)(4), a notice of appeal filed after entry of judgment but before disposition of such a motion becomes effective upon entry of an order disposing of the last such motion.

This court will treat the notice of appeal as filed as of the date the district court disposes of such motion and will docket the appeal following disposition of the motion. Please notify this court upon entry of an order disposing of the motion.

If a party wishes to appeal the district court's disposition of the motion, a notice of appeal or amended notice of appeal must be filed within the time prescribed for appeal, measured from entry of the order disposing of the last such motion.

Yours truly,

/s/ A. Carlheim

cc: Andrew T. Waight, Assistant Attorney General
Kevin Keane, Defendant